

Matthew Franklin Jaksa (CA State Bar No. 248072)  
HOLME ROBERTS & OWEN LLP  
560 Mission Street, 25<sup>th</sup> Floor  
San Francisco, CA 94105-2994  
Telephone: (415) 268-2000  
Facsimile: (415) 268-1999  
Email: matt.jaksa@hro.com

Attorneys for Plaintiffs,  
ELEKTRA ENTERTAINMENT GROUP INC.;  
UMG RECORDINGS, INC.; WARNER BROS.  
RECORDS INC.; and BMG MUSIC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ELEKTRA ENTERTAINMENT GROUP INC.,  
a Delaware corporation; UMG RECORDINGS,  
INC., a Delaware corporation; WARNER  
BROS. RECORDS INC., a Delaware  
corporation; and BMG MUSIC, a New York  
general partnership,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO. C 07-04120 SI

The Honorable Susan Illston

***EX PARTE APPLICATION TO CONTINUE  
CASE MANAGEMENT CONFERENCE  
AND EXTEND TIME TO SERVE  
DEFENDANT AND [PROPOSED] ORDER***

1 Plaintiffs respectfully request that the Court continue the case management conference  
2 currently set for November 16, 2007, at 2:00 p.m. to February 15, 2008. Plaintiffs further request,  
3 pursuant to the Federal Rules of Civil Procedure, Rules 4(m) and 6(b)(1), that Plaintiffs' time to  
4 serve the Summons and Complaint on Defendant John Doe ("Defendant") be extended from  
5 December 7, 2007 to March 6, 2008.

6 Plaintiffs filed the Complaint against Defendant on August 9, 2007. Also on August 9, 2007,  
7 Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery, seeking the  
8 Court's permission to serve a Rule 45 subpoena on Stanford University ("Stanford") so that  
9 Plaintiffs could obtain information sufficient to identify Defendant. On August 16, 2007, this Court  
10 issued its Order Granting Plaintiffs' *Ex Parte* Application for Leave to Take Immediate Discovery.  
11 Pursuant to the Court's Order, Plaintiffs have served Stanford with a Rule 45 subpoena directing  
12 Stanford to produce certain information necessary to identify Defendant. Plaintiffs expect Stanford  
13 to respond to the subpoena on November 14, 2007.

14 Because Plaintiffs cannot identify Defendant until Stanford has responded to Plaintiffs'  
15 subpoena, there is not yet a known defendant with whom to confer, and a case management  
16 conference is unnecessary at this time. Plaintiffs therefore respectfully request that the Court  
17 continue the case management conference currently set for November 16, 2007, at 2:00 p.m. to  
18 February 15, 2008. Given the foregoing circumstances, and because the original time period for  
19 Plaintiffs to serve the Summons and Complaint on Defendant will expire on December 7, 2007,  
20 Plaintiffs further request that the time to serve the Summons and Complaint on Defendant be  
21 extended to March 6, 2008.

22 Dated: November 7, 2007

HOLME ROBERTS & OWEN LLP

23 By: /s/ Matthew Franklin Jaksa

24 Matthew Franklin Jaksa

25 Attorney for Plaintiffs  
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**ORDER**

Good cause having been shown:

**IT IS ORDERED** that the case management conference currently set for November 16, 2007, at 2:00 p.m. be continued to February 15, 2008.

**IT IS FURTHER ORDERED** that, pursuant to the Federal Rules of Civil Procedure, Rules 4(m) and 6(b)(1), Plaintiffs' time to serve the Summons and Complaint on Defendant be extended to ~~March 6, 2008.~~ January 15, 2008.

Dated: \_\_\_\_\_

By: 

Honorable Susan Illston  
United States District Judge